

**TETON DISTRICT PUBLIC HEALTH ORDER #20-5**

**MORE RESTRICTIVE VARIANCE ORDER TO CONTINUE CLOSURES  
OF GYMNASIUMS UNDER STATEWIDE ORDER #1 AND CONTINUE  
ALL CLOSURES UNDER STATEWIDE ORDER #3**

WHEREAS, Dr. Travis Riddell, MD serves as the Teton District Health Officer pursuant to Wyoming Statute § 35-1-306(a); and

WHEREAS, Teton County and the City of Jackson have formed the Teton Health District which encompasses all of Teton County, Wyoming, including the City of Jackson, a Wyoming Municipality; and

WHEREAS, Wyoming Statute § 35-1-240(a)(i), (ii) and (iv) gives the power to the Wyoming Department of Health, through the State Health Officer, or under her direction and supervision, or through the other employees of the Wyoming Department of Health to control the causes of communicable disease; to close theaters, schools, and other public places; and to forbid gatherings of people when necessary to protect public health; and

WHEREAS, as evidenced by her signature below, Alexia Harrist, MD, Ph.D., the Wyoming State Health Officer, has reviewed and does hereby authorize the issuance of this Variance Order by Dr. Travis Riddell, the Teton District Health Officer, and the State Health Officer, Dr. Alexia Harrist, also specifically makes the finding that this Order is necessary for the protection of the public health; and

WHEREAS, the State Health Officer has issued Statewide Order #1 and Statewide Order #3 both dealing with closures; and

WHEREAS, Statewide Order #1 is specifically titled: *Third Continuation and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide*. Statewide Order #1 originally was to expire on April 3, 2020, however, it was extended by the First Continuation Order to April 17, 2020. The Second Continuation Order extended Statewide Order #1 to April 30, 2020. The Third Continuation Order now extends the closures until May 15, 2020, and allows for a County Health Officer to request a less restrictive or more restrictive variance to the order; and

WHEREAS, Statewide Order #3 is specifically titled: *Third Continuation and Modification, of Statewide Public Health Order #3; Temporary Closure of Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body*

*Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services.* Statewide Order #3 was originally issued on March 24, 2020, with an original expiration date of April 3, 2020. The First Continuation Order extended Statewide Order #3 to April 17, 2020. The Second Continuation Order extended Statewide Order #3 to April 30, 2020. The Third Continuation Order now extends the closures until May 15, 2020, and allows the County Health Officer to request a less restrictive or more restrictive variance to the order; and

WHEREAS, COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States.; and

WHEREAS, COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-Co V-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States;" and

WHEREAS, on March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak; and

WHEREAS, Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety and welfare; and



WHEREAS, a significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic people, place other vulnerable members of the public at significant risk; and

WHEREAS, a large number of persons with serious infections can compromise the ability of the healthcare system in Teton County to deliver the necessary healthcare to the public; and

WHEREAS, in addition to the above findings, stopping the spread of COVID-19 includes washing hands often, practicing physical distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your faces, eyes, nose, and mouth, covering your cough or sneeze into your elbow or by using a tissue, and wearing a face covering in public; and

WHEREAS, Teton County is an isolated rural community with a single small hospital with limited resources including only six (6) Intensive Care Unit beds and no critical care specialists; and

WHEREAS, Teton County, Wyoming is a tourist destination and other mountain resort communities in the Rocky Mountain region have been nuclei of infection in their respective states (Vail, CO; Park City, UT and Sun Valley/Ketchum, ID); and

WHEREAS, the Wyoming Department of Health has issued data-driven decision-making metrics to inform public health orders that include the following: Number of positive cases, Percent of cases attributed to community spread, Percent of total tests that are positive, Total reported COVID-19 hospitalizations, Total reported hospital bed capacity, Total ICU bed availability, Daily COVID-19 testing volume, Testing capacity, PPE supplies; and COVID-19 outbreaks in communal settings; and

WHEREAS, as of April 28, 2020, the number of lab-confirmed positive cases Teton County is 65 with 60 lab-confirmed recovered cases, and 1 death. Thus, there are presently 4 active lab-confirmed cases in Teton County. Teton County also tracks probable cases which are 31 total patients since the beginning of the disease tracking in Teton County with 28 recovered patients; and

WHEREAS, as of April 28, 2020, the COVID-19 attack rate in Teton County is 277 per 100,000 residents, the highest of any county in Wyoming and more than four times higher the state-wide attack rate; and

WHEREAS, as of April 28, 2020, the State of Wyoming's data show a total of 744 COVID-19 tests conducted in Teton County with a positivity rate of 9.4%. This is in comparison to a state-wide positivity rate of 4.5%. A higher positivity rate may be an indication of inadequate testing and a higher level of unidentified cases; and

WHEREAS, as of April 28, 2020, there have been 10 Teton County residents admitted to St. John's Medical Center in Jackson, Wyoming and 4 residents admitted to higher-level units in other facilities who tested positive for SARS-CoV-2 infection, resulting in a hospitalization rate of more than 21% of confirmed cases. This is higher than state-wide hospitalization rates, suggesting inadequate testing of persons with less severe disease; and

WHEREAS, testing rates in Teton County have declined over the past two to three weeks, hopefully representing decreases in symptomatic people but also possibly indicating more people resolved to the previous inability to access tests and therefore not seeking testing; and

WHEREAS, testing supplies have increased in Teton County and there is increased capacity to test symptomatic patients, however, Teton County only received adequate testing supplies to begin increased testing last week. Therefore, there has been insufficient time to gear up testing to the level needed to relax restrictions. Increased testing is important both for defining the extent of disease in the community and in order to isolate more cases and their contacts. Teton County is planning an intensive testing regimen starting this week and going through the upcoming weekend. In other communities that have performed similar widespread testing (such as Fremont County, Wyoming and Summit County, Utah) significant numbers of new cases have been found. Teton County more closely resembles Fremont County, Wyoming and Summit County, Utah from an epidemiological standpoint than other communities in Wyoming; and

WHEREAS, Teton County's economy is based more on hospitality services than any other place in Wyoming and our community requires specific considerations for reopening which are currently being developed with the broad engagement and consensus of business stakeholders; and

WHEREAS, the Teton District Health Officer has requested this more restrictive variance from the State Health Officer as to both Statewide Order #1 and Statewide Order #3 to allow more time to increase testing throughout the community and to give time for a plan to re-open to be fully developed with business stakeholders.



NOW, THEREFORE, IT IS HEREBY ORDERED, that residents of Teton County, Wyoming, including the City of Jackson, Wyoming, shall comply with the **Statewide Order #1** (*Third Continuation and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide*) with the following exception:

1. Paragraph 3 on Page 3 shall not apply in Teton County, and all gymnasiums shall remain closed in Teton County through May 11, 2020.

IT IS FURTHER ORDERED, that residents of Teton County, Wyoming, including the City of Jackson, Wyoming, shall comply with the **Statewide Order #3** (*Third Continuation and Modification, of Statewide Public Health Order #3; Temporary Closure of Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services*) with the following exceptions:

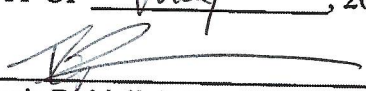
1. Paragraph 2 on Page 3 of Statewide Order #3 shall not apply in Teton County, and all nail salons, hair salons, barbershops, cosmetology services, electrology services, esthetic services, massage therapy services, and tattoo, body art, and piercing shops shall remain closed in Teton County through May 11, 2020.

IT IS FURTHER ORDERED, that the District Health Officer may grant exceptions to this Order on a case by case basis after evaluating the request and obtaining approval from the State Health Officer; and

IT IS FURTHER ORDERED, that this Variance Order shall remain in effect through May 11, 2020, or until such time as the Teton District Health Officer, with State Health Officer approval, issues an Order revoking or modifying this Order; and

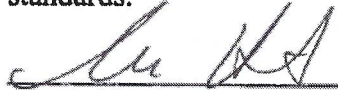
IT IS FURTHER ORDERED, that any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyoming Statutes § 35-1-105 and 35-1-106.

DATED THIS 1 DAY OF May, 2020.

  
Travis Riddell, MD  
Teton District Health Officer

**Direction to Issue Order**

I, Alexia Harrist, MD, Ph.D., the Wyoming State Health Officer, hereby state that I have reviewed the above Order and hereby direct, pursuant to Wyoming Statutes §§ 35-1-227 and 35-1-240(a)(i) (ii) and (iv), the Teton District Health Officer to issue the above Variance Order, in Teton County, Wyoming, including the City of Jackson. As the State Health Officer, I specifically find that this Order is necessary for the protection of public health. I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards.



Alexia Harrist, MD, PhD  
Wyoming State Health Officer